



The City of Raleigh

Stormwater Management Advisory Commission

December 7, 2017
3:00 pm

Conference Room 305
Raleigh Municipal Building

Commission Members Present: Matthew Starr, Francine Durso, David Webb, Jonathan Page, Mark Senior, Vanessa Fleischmann, Ken Carper, Evan Kane, Chris Bostic, and Kevin Yates

Commission Members Absent: *none*

Staff Members Present: Blair Hinkle, Kelly Daniel, Suzette Mitchell, Lauren Witherspoon, Scott Smith, Carmela Teichman, Kevin Boyer, Brian McHouell, Melanie Nguyen, Sheila Thomas-Ambat, Ben Brown, Lory Willard, Kirstin Freeman, Ashley Rodgers, Scott Bryant, and Jason Palivoda

Guests: Nancy Wehhug, Amy Wazenegger, Amit Sachan, and Marsha Presnell-Jennette

Meeting called to order: at 3:01 pm by Matthew Starr (*chair*)

1. Welcome, Introductions, Excused Absences

- Jonathan Page was introduced as the newest member of the Commission.

2. Approval of the Minutes – October 5, 2017 Meeting

- **Mr. Webb** made a motion to approve the minutes and **Ms. Durso** and **Mr. Senior** seconded. The motion was approved unanimously.

3. Stormwater Staff Report – Blair Hinkle

- **Staffing Update** (*new employees*)
 - Soil and Erosion Stormwater Inspector – Brian McHouell (*Engineering Specialist*)
 - Drainage Assistance - Melanie Nguyen (*Senior Engineer*)
- **Environmental Awards Update – Awards ceremony to be held on Thursday, March 22, 2018**
Carmela Teichman (*Outreach Specialist*) announced to the Commission that the contest has changed. There will be three entry categories in the competition this year: video, artwork/stencil for storm drain marking, and a painting to be placed on a rain barrel.
 - January 26 – *Contest closes*
 - January 30 – *Staff will review submittals and make selections to be submitted to SMAC*
 - February 1 – *SMAC will review submittals and determine winners*
 - February 8 – *SMAC chair presents contest winners to Environmental Advisory Board (EAB)*

4. Update to the Guidelines for Land Disturbing Activities

Lauren Witherspoon (*Stormwater Inspection Manager*) informed the Commission that her staff handles all the enforcement for section 9.4: Erosion and Sedimentation Control of the Unified Development Ordinance (*UDO*). At the April 2017 meeting, the Commission voted to approve the proposed changes to this section of the UDO (*which are highlighted in red in the agenda packet*). The changes proposed today are (*highlighted in yellow, red font*). Staff looked at a document incorporated in the UDO called “Guidelines for Disturbing Land Activities” (*GLDA*), and provided suggested edits to the

content. These changes would have to go to Raleigh City Council, so staff decided not to incorporate GLDA in that section of the UDO. Years ago, the City was given the authority from the State to implement the Sediment Pollution Control Act, which couldn't be less stringent than State requirements. During that time, the City took the State manual and adopted it. It's now outdated. The document consists of more design and standard specifications. In 2013, we went more to a guideline approach and did a GLDA overhaul. Some of the chapters were carried over in the appendixes of the new document, which is more of policy for permitting inspections and enforcement. The new document is not only encompassing of the sediment and erosion control requirements, but of buffer requirements based on permitting, as well as internal processes for enforcing buffer requirements, sediment erosion control, stormwater control measures, and watershed floodplain regulation.

Blair Hinkle said, in general terms, the UDO is all encompassing in terms of regulations that guide development in the City of Raleigh. GLDA had become an extension of the UDO with some additional regulations contained. For staff to utilize those regulations outside the UDO, but within GLDA, it had to be referenced in the UDO, thus making a part of it. This effort is removing those additional requirements out of GLDA into the UDO, so GLDA can be a guidance document for developers and engineers. This will allow staff to keep GIDA up-to-date without going through the Raleigh City Council text change process, and will allow the enforcement of all currently enforceable measures that will be housed in the UDO. **Lauren Witherspoon** added, that in the changes, they will also be referencing the State manual and that more restrictive rules shall apply. She then spoke about the proposed text changes for Article 9.4: Erosion and Sedimentation Control of the UDO and the proposed changes to the GLDA manual (*both are provided in agenda packet*).

SMAC (UDO Comments)

- *Sec 9.4.3: Redefine stabilization by clarifying mowable height, coverage, and growth. Consider breaking down into more sentences.*

SMAC (GLDA Comments)

- *Sec 2.3.1: Clarify "outlet structures withdraw from surface"*
- *Sec 4.2.1 and Sec 5.9: Re-define stabilization*
- *Sec 5.9 Table: Remove the work requirement since this is a guideline. Consider stabilizing with riprap or equivalent.*

Blair Hinkle said since there are items that need to be clarified and changed, we can place this item on a future agenda just for the updates. We will then look for two actions from the Commission: (1) Vote to recommend approval of the text change authorization to Raleigh City Council for the UDO text changes, and (2) Vote to approve the changes to GLDA.

5. **Stormwater Quality Cost Share (SWQCS) Projects**

Lory Willard (*Engineer*) informed the Commission that there are two petitions up for review.

1. 211 Plainview Avenue: The project includes removing 690 square feet of concrete, as well as soil remediation and replanting the area with grass to maintain perviousness. The project is in the Pigeon House Creek Watershed. The petitioner is eligible for a 90 percent reimbursement and has agreed to annual reporting and a 10-year maintenance agreement.

211 Plainview Avenue	
Total Project Cost	\$5,445
Stormwater/City Contribution (90%)	\$4,901
Petitioner Contribution (10%)	\$544

Mr. Bostic asked when cost is submitted, does it come directly from a contractor or property owner. **Lory Willard** said the property owner submits the cost and sometimes they transfer the contractor's bid to the application form.

Motion:

Mr. Senior made a motion to approve the project and **Mr. Carper** seconded. The motion was approved unanimously.

2. 809 Welford Road: This project includes reimbursement for the installation of a 325-gallon cistern located on this property. The project has already been constructed and captures runoff from 1,283 square feet of residential roof. The project is in the Crabtree Creek Watershed. The petitioner is eligible for a 75 percent reimbursement and has agreed to a 10-year maintenance agreement.

Blair Hinkle noted there are a few projects that the Commission and Raleigh City Council approved that have followed this same path, and following the presentation he would like to have a discussion on that policy provision and how the Commission thinks we should proceed as an organization.

809 Welford Road	
Total Project Cost	\$4,116.26
Stormwater/City Contribution (75%)	\$3,087.20
Petitioner Contribution (25%)	\$1,029.06

Commission Comments:

- Gutters cost higher than cistern
- Undersized cistern
- Using the program/funding to pay for the gutters – others may duplicate
- What is the cost of gutters that feed into the cistern
- Were the gutters put in front of the house to match those in the back as part of the same project

The Commission concurred that there are too many issues and they are unable to support the request at this time.

Mr. Starr asked if the application could be reworked and brought back to the Commission with the cost of the gutters that's feeding the cistern and if it goes with the correct amount of the surface runoff for that cistern.

Action Item:

The Commission will defer action on this project pending resubmittal of the application.

**Ms. Durso and Mr. Kane left at 4:18 pm, but thanked Stormwater staff for all the hard work they provided this past year.*

Blair Hinkle referenced (Resolution No. 2015 - 83) (page 4: section 3D) in the agenda packet (*No work shall be performed until the project is approved by the Raleigh City Council. The Stormwater Management Advisory Commission will make a recommendation to Raleigh City Council. The Stormwater Management Advisory Commission will consider available funding, project properties, and the submittal date of a petition request for City funding assistance*). He stated that we have deviated slightly from the policy with Raleigh City Council approving at least two projects in the last couple years that were retroactively funded. Our staff discussed if we should continue with that policy exception and has come up with three options:

- Do away with diverging from the policy and no projects shall be retroactively funded from this point forward;
- Continue bringing projects forward that have been completed; or
- Be clear about the project when bringing a retroactively funded project forward. The Commission also will vote to not suspend the rules but make a policy exception when recommending approval to Raleigh City Council. This will make it clear that the Commission made a policy exception on a retroactively funded project outside of the policy on the books. Prospectively, one of the key points of the program is spreading awareness and incentivizing the construction of these types of devices, and we lose that when we retroactively fund the installation of these

devices. It's a value judgement that the Commission can make as to how important the reason for the existence of the policy is to the City organization, to water quality, and to the stormwater system.

Mr. Starr stated we want to encourage participation in the program and do right for those that pay fees for this program. We want to spend the money wisely by making sure we are not paying for projects that are costly after the fact.

Mr. Senior commented that he liked flexibility and wanted to leave the option open and judge on a case-by-case basis.

Mr. Carper said it's a quality control situation. Instead of participating in the conventional way, it appears some are coming at the back end and over time you may end up with a lot of projects.

Mr. Starr said his concern is approving a project that's not in the best financial interest of those who contribute to the stormwater utility fee.

Ms. Fleischman agrees with **Mr. Senior** on flexibility and access on project-by-project basis; however, also being mindful of potential abuse.

Mr. Starr supports keeping the policy as is, but giving the Commission the flexibility to approve as well as add a timeframe with supporting documentation for retroactive projects.

6. **Stormwater Quality Cost Share Policy Revisions**

Kevin Boyer (Water Quality Manager) and **Lory Willard** provided an overview of proposed SWQCS policy changes. Topics of discussion were:

- Requiring passive drawdown for cisterns and its benefits
- Changes to the SWQCS policy via three project tiers:
 - City Contribution: <\$30,000 (*SMAC approval*) and >\$30,000 (*SMAC and Council approval*)
 - Annual Maintenance Reports: <\$100,000 *annual report submitted by the property owner*, and >\$100,000 *annual report submitted by a licensed professional*
 - Design by licensed professional: <\$100,000 *not required*, and >\$100,000 *design plans sealed by a licensed professional*
- Policy changes for supporting smaller projects via streamlined processes
- Allowing SWQCS-funded SCMs in City street rights-of-way (ROW)
- Expanding what we mean by "above and beyond required runoff treatment"

Mr. Starr said he would like to see something in the policy for retroactive projects.

Blair Hinkle suggested we put something in the policy.

Mr. Senior commented he's good with all of it and glad the program is being moved forward. However, he's concerned about the \$30,000 audible. **Lory Willard** stated we only had a few projects that went over \$30,000; we could do \$20,000, which would capture majority of the projects. **Blair Hinkle** added that State law and City policies related to procurement starts at \$30,000 for informal bids, meaning we would not have to formally bid that project, but put an advertisement on the City website and request quotes. Staff is just asking for those projects that are \$30,000 or less to not go to Raleigh City Council.

Motion:

Mr. Senior made a motion to approve the policy changes as recommended with the modification of the \$30,000 and above projects going to Raleigh City Council and **Ms. Fleischmann** seconded. The motion was approved unanimously.

Blair Hinkle asked the Commission to clarify the retroactive reimbursement, are they comfortable with applying it only to projects \$5,000 or more, or would they like to see any retroactive projects above \$1,000?

The Commission concurred to see any retroactive projects over \$1,000.

Comments: Allowing SWQCS-funded SCMs in City street rights-of-way (ROW) and expanding what we mean by "above and beyond required runoff treatment"

Mr. Senior wanted to know if there's a process in place to maintain the \$1 million liability insurance requirement in the ROW Encroachment Agreement. **Kevin Boyer** answered that encroachment is managed by Development Services.

Ken Caper asked has there been any research on other cities doing anything like this?

Kevin Boyer indicated that calls were set up with Portland and Washington D.C. to talk about their green street program even though it is not the same. He's not aware of any for the above and beyond part.

7. **Other Business**

Blair Hinkle informed the Commission that Sheila Thomas-Ambat (*Senior Engineer, Watershed Planning*) has accepted the position of Assistant Public Services Director for the City of Fayetteville and will be leaving the City in January 2018. Sheila has been with Stormwater for 12 years and Blair thanked her for her services.

Adjournment: **Mr. Senior** made a motion to adjourn and **Mr. Carper** seconded. The motion was approved unanimously. The meeting adjourned at 5:18 pm.

Suzette Mitchell